

STATEMENT OF THE CASE

Defendant-Appellant Elvis A. Pack (“Pack”) brings this direct appeal from his conviction by a jury of the Class C felony of Operating a Motor Vehicle After a Lifetime Suspension of Driving Privileges.

We affirm.

ISSUE

Pack states the two issues jointly:

Was the evidence sufficient to sustain a judgment of conviction by a jury when the State failed to prove beyond a reasonable doubt that the defendant had knowledge that his license to drive was suspended for life, and was the defendant erroneously denied the right to offer a defense to driving a motor vehicle.

FACTS

While on routine patrol, Officer Jaronik observed Pack driving a motor vehicle in the opposite direction. Officer Jaronik recognized Pack because of an earlier incident when Officer Jaronik had stopped a vehicle in which Pack was a passenger. At that time Pack told Officer Jaronik that he did not have a valid driver’s license because of a lifetime suspension. Officer Jaronik stopped Pack and ran a Bureau of Motor Vehicles check during which he determined that Pack’s driving privileges had been suspended for life. Officer Jaronik testified that the intersection of the streets where he stopped Pack was well lighted, and he was sure that it was Pack who was driving.

The State introduced an October, 1996, guilty plea made by Pack to a count of operating a motor vehicle after being adjudged a habitual traffic violator. Pack’s driving

privileges were suspended for life. The State also produced evidence of a similar situation that occurred in LaPorte County. At trial Pack identified his signature on the guilty pleas in both instances. Pack was present at the LaPorte County and the Porter County sentencing hearings.

Prior to trial the State filed a motion in limine requesting that Pack not be allowed to testify that he was doing undercover work and driving with the permission, knowledge, and consent of Police Officer Taghon. The motion was granted.

Pack testified on his own behalf at trial. He testified that he was not the driver of the motor vehicle; that there were errors in his driving record; that he did not read the plea agreements in prior court appearances; that he never received notice of his driver's license suspension; and, he was not aware of the lifetime driver's license suspension.

DISCUSSION AND DECISION

When considering a challenge to the sufficiency of the evidence to support a conviction, we respect the fact-finder's exclusive province to weigh conflicting evidence, and, therefore, we neither reweigh the evidence nor judge witness credibility. *Gleaves v. State*, 859 N.E.2d 766, 769 (Ind. Ct. App. 2007). We consider only the probative evidence and reasonable inferences supporting the verdict, and must affirm if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt. *Id.* The uncorroborated testimony of one witness may be sufficient by itself to sustain a conviction on appeal. *Id.*

We eschew the bulk of Pack's argument to have the court on review reweigh the evidence and judge the credibility of the witnesses. It is the function of the trier of fact to determine the weight of the evidence and the credibility of the witnesses. *McClendon v. State*, 671 N.E.2d 486, 488 (Ind. Ct. App. 1996). The trier of fact is free to believe or disbelieve witnesses, as it sees fit. *Id.* Additionally, there are portions of Pack's argument in his brief that fail to comply with Ind. Appellate Rule 46(A)(8)(a). Appellate Rule 46(A)(8)(a) requires appellants, on the issues presented, to support their arguments with cogent reasoning, and with citations to authorities, statutes, and/or parts of the record or appendix. It is also worth noting that Pack's testimony is in conflict with portions of the State's testimony. Conflicting evidence only raises questions of credibility and does not constitute reversible error. *Capps v. State*, 598 N.E.2d 574, 579 (Ind. Ct. App. 1992).

Ind. Code §9-30-10-17 provides that a person who operates a motor vehicle after that person's driving privileges are forfeited for life commits a Class C felony. To sustain a conviction under this statute, the State must prove that the defendant (1) operated a motor vehicle; (2) after his driving privileges were forfeited for life; and (3) he knew or should have known that his driving privileges were forfeited. *Arthur v. State*, 824 N.E.2d 383, 388 (Ind. Ct. App. 2005). In order to support a conviction for Driving While Suspended for Life, the State must prove that the defendant was driving and that the defendant's privileges had been suspended for life. *Ford v. State*, 711 N.E.2d 86, 88 (Ind. Ct. App. 1999). Whether a defendant operated a motor vehicle, for purposes of operating a vehicle while intoxicated and operating a vehicle after a lifetime suspension

under Ind. Code §9-30-10-17, is a question of fact. *State v. Bilbrey*, 743 N.E.2d 796, 799 (Ind. Ct. App. 2001).

The jury heard facts that clearly show beyond a reasonable doubt that the State proved, by way of Officer Jaronik's testimony, that Pack was driving a motor vehicle. The record also includes the Porter County and LaPorte County records showing two lifetime suspensions. These records were made before Officer Jaronik observed Pack driving a motor vehicle. The record further shows that Pack was present at the Porter County and LaPorte County proceedings. The evidence is sufficient to support the conviction.

Insofar as Pack's argument that he was denied the right to present a defense, we find waiver for a failure to comply with App. R. 46(A)(8)(a).

CONCLUSION

The evidence is sufficient to support the verdict. Pack's complaint that he was not able to present a defense is waived.

Judgment affirmed.

SHARPNACK, J., and BARNES, J., concur.